

[relates to Docket Item 170]

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SOUTH BROWARD HOSPITAL
DISTRICT d/b/a MEMORIAL
HOSPITAL WEST, d/b/a MEMORIAL
HOSPITAL PEMBROKE, d/b/a
MEMORIAL REGIONAL HOSPITAL et
al.,

Plaintiffs,

v.

MEDQUIST INC., RONALD F.
SCARPONE, JOHN SUENDER, BRIAN
J. KEARNS, MICHAEL CLARK, and
MEDQUIST TRANSCRIPTIONS, LTD.,

Defendants.

HON. JEROME B. SIMANDLE

Civil No. 05-2206 (JBS)

OPINION

APPEARANCES:

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SIMANDLE, District Judge:

In this matter, Plaintiff hospitals filed suit against the defendants, alleging, inter alia, that the defendants defrauded Plaintiffs by employing improper billing practices. Following this Court's March 30, 2007 Opinion and Order (the "March 2007 Opinion and Order") denying the motion of Defendants MedQuist, Inc. and MedQuist Transcriptions, Inc. ("MedQuist") to compel arbitration [Docket Item 158], MedQuist filed a notice of interlocutory appeal with the United States Court of Appeals for

the Third Circuit [Docket Item 161] seeking review of the March 2007 Opinion and Order. While only some plaintiffs even have arbitration clauses in their contracts with MedQuist or its affiliates, MedQuist nonetheless has taken an appeal as to which it asserts appellate jurisdiction over all plaintiffs, even those whose contracts were not the subject of the underlying order because they lack arbitration clauses.

Presently before the Court is MedQuist's motion to stay all proceedings in this action pending the outcome of MedQuist's interlocutory appeal [Docket Item 170]. Plaintiffs opposed MedQuist's motion, arguing that the Court of Appeals has jurisdiction over some but not all of the plaintiffs in this action and that principles of judicial economy militate in favor of permitting the case to proceed against all parties [Docket Item 175].

On December 13, 2007, the United States Court of Appeals for the Third Circuit entered its opinion affirming this Court's order denying MedQuist's motion to compel arbitration. South Broward Hospital Dist. v. MedQuist, Inc., App. No. 07-2076 (Opinion filed Dec. 18, 2006). Accordingly, the interlocutory appeal is at its end and this case may now proceed. The motion for stay pending interlocutory appeal has become moot. The accompanying Order is entered, and, due to the advanced age of

this putative class action, expedited class action discovery and motion practice shall be required.

December 18, 2007

Date

s/ Jerome B. Simandle

JEROME B. SIMANDLE

United States District Judge